

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 29, 2020

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCAVOY, CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

MORRIS BRUCE JACKSON,

Defendant.

No. 1:19-cr-02039-SMJ

**ORDER GRANTING
DEFENDANT'S MOTION AND
DECLARATION TO CONTINUE
PRE-TRIAL CONFERENCE AND
TRIAL DATE**

**AMENDED¹ CASE
MANAGEMENT ORDER**

Before the Court, without oral argument, is Defendant Morris Bruce Jackson's Motion and Declaration to Continue Pre-Trial Conference and Trial Date, ECF No. 55. Defense counsel Kenneth D. Therrien requests a continuance of the pretrial motions filing deadline, the pretrial conference, and the trial, to allow more time to examine discovery, prepare any related motions, and prepare for trial. Specifically, Defendant states that additional discovery is anticipated from the Government, and defense counsel will need additional time to review it. Defendant supports counsel's request for a trial continuance for the articulated reasons. ECF

¹ This Order amends and supersedes in part the Court's July 23, 2019 Case Management Order, ECF No. 25.

1 No. 56. Assistant U.S. Attorneys Richard Cassidy Burson and Thomas J. Hanlon,
2 appearing on behalf of the Government, do not oppose the request. ECF No. 55.

3 The Indictment was filed on July 17, 2019. ECF No. 18. Defense counsel
4 appeared for Defendant on July 19, 2019. ECF No. 24. This is Defendant's third
5 request for a continuance.

6 To ensure defense counsel is afforded adequate time to review discovery,
7 prepare any pretrial motions, conduct investigation, and prepare for trial, the Court
8 grants the motion, extends the pretrial motion deadline, and resets the currently
9 scheduled pretrial conference and trial dates. The Court finds that Defendant's
10 continuance request is knowing, intelligent, and voluntary, and that the ends of
11 justice served by granting a continuance outweigh the best interest of the public and
12 Defendant in a speedy trial. The delay resulting from Defendant's motion is
13 therefore excluded under the Speedy Trial Act.

14 Counsel are advised that successive continuance requests will be closely
15 scrutinized for the necessity of more time to effectively prepare, taking into account
16 the exercise of due diligence.

17 Having considered the parties' proposed case schedule and deadlines, the
18 Court now enters the following Amended Case Management Order, which sets forth
19 the deadlines, hearings, and requirements the parties will observe in this matter. To
20 the extent this Order conflicts with any previously entered Orders in this matter, this

1 Order shall govern. All counsel are expected to carefully read and abide by this
2 Order and such provisions of the current CMO which have not been superseded
3 hereby. The Court will grant relief from the requirements in this Order only upon
4 motion and good cause shown.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 **1.** Defendant's Motion and Declaration to Continue Pre-Trial Conference
7 and Trial Date, **ECF No. 55** is **GRANTED**.

8 **2.** The Court finds, given defense counsel's need for time to review
9 discovery, prepare any pretrial motions, conduct investigation, and
10 prepare for trial, that failing to grant a continuance would result in a
11 miscarriage of justice and would deny defense counsel the reasonable
12 time necessary for effective preparation, taking into account the
13 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(i),(iv). The
14 Court, therefore, finds the ends of justice served by granting a
15 continuance in this matter outweigh the best interest of the public and
16 Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

17 **3. Original CMO.** Counsel must review the provisions of the original
18 July 23, 2019 CMO, ECF No. 25, and abide by those procedures which
19 remain in full force and effect and are incorporated herein except for
20

1 the new compliance deadlines in the following Summary of Amended
2 Deadlines.

3 **4. Pretrial Conference**

4 A. The current pretrial conference date of February 18, 2020 is
5 **STRICKEN** and **RESET** to **April 21, 2020** at **9:30 A.M.** in
6 **YAKIMA**. At this hearing, the Court will hear **ALL** pretrial
7 motions that are noted for oral argument.

8 B. All Pretrial Conferences are scheduled to last no more than
9 **thirty (30) minutes**, with each side allotted **fifteen (15)**
10 **minutes** to present their own motions and resist motions by
11 opposing counsel. If any party anticipates requiring longer than
12 fifteen minutes, that party must notify the Courtroom Deputy at
13 least seven (7) days prior to the hearing. **Any party who fails**
14 **to provide this notice will be limited to fifteen (15) minutes.**

15 **5. Trial.** The current trial date of March 18, 2020 is **STRICKEN** and
16 **RESET** to **May 18, 2020**, at **9:00 A.M.** in **YAKIMA**. The **final**
17 pretrial conference will begin at **8:30 A.M.**

18 **6.** Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court
19 **DECLARES EXCLUDABLE** from Speedy Trial Act calculations
20 the period from **January 27, 2020**, the date defense counsel moved to

continue, through **May 18, 2020**, the new trial date, as the period of delay granted for adequate preparation by counsel.

7. Summary of Deadlines

All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i> , filed	March 31, 2020
PRETRIAL CONFERENCE <i>Deadline for motions to continue trial</i>	April 21, 2020 9:30 A.M. - YAKIMA
CIs' identities and willingness to be interviewed disclosed to Defendant (if applicable)	May 1, 2020
Grand jury transcripts produced to Defendant	
Case Agent:	May 1, 2020
CIs:	May 1, 2020
Other Witnesses:	May 1, 2020
Exhibit lists filed and emailed to the Court	May 4, 2020
Witness lists filed and emailed to the Court	May 4, 2020
Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	May 4, 2020
Exhibit binders delivered to all parties and to the Court	May 5, 2020
Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	May 6, 2020
Trial notices filed with the Court	May 5, 2020

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Technology readiness meeting (in-person)	May 6, 2020
JURY TRIAL	May 18, 2020 9:00 A.M. - YAKIMA

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals Service.

DATED this 29th day of January 2020.



SALVADOR MENDOZA, JR.
United States District Judge